

REMARKS

In the final Office Action mailed August 6, 2007, the Examiner rejected claims 1-86 under 35 USC §103(a) as being unpatentable over Ananda (US 5,495,411) in view of Grundy, (US 5,291,598).

Reconsideration and re-examination of the application considering the following remarks is respectfully requested.

Telephone Interview

The courtesies extended by the Examiner during the telephone interviews during which the prior art reference to Ananda was discussed is acknowledged and appreciated.

Rejection Under 35 USC §103(a)

The Examiner rejected claims 1-86 as being unpatentable over Ananda (US 5,495,411) in view of Grundy (US 5,291,598). Applicant respectfully disagrees and traverses the Examiner's rejection. However, Applicant has amended the independent claims as discussed during the telephone interview to advance the prosecution of the application.

Applicant's invention as claimed in independent claims 1, 23, 46, and 75 is directed to a method for securing software to reduce unauthorized use that associates at least one identifier with the software to designate the software for protection by an authorized representative entity that is installed on or in the user device, and that does not require communication with a remote authorized representative entity. The identifier feature of the invention is best illustrated in Figs. 62, 67, and 68 and described in Paras. [0291] and [0309] – [0314]. The identifier indicates that anti-piracy measures or copy protection is desired by the software distributor. The identifier may be in the form of a serial number, password, or other alphanumeric or binary string, for example and is preferably transparent to any systems that do not include an authorized representative or other module or device to implement copy protection so that the software may be used without restrictions on those systems or devices. As also described and illustrated in Figs. 67-68, the identifier may be included in a unique file prefix, file suffix, file extension, embedded within the content, or as a binary code, for example.

As illustrated and described with reference to Fig. 68, software that includes at least one identifier to trigger an authentication process on a user's system,

network, or device is distributed to the user. The identifier is detected by an authorized representative entity that determines whether attempted access to the software is authorized based on registration information and/or an authentication code associated with the software. The registration information and authentication code(s) may be associated with a particular user device or a group of authorized devices.

In contrast to Applicant's claimed invention, Ananda '411 and Grundy '598 both require communication with a remote authorized representative entity. In particular, Ananda '411 requires contact with the Central Rental Facility and prevents the software from being operable if the communication cannot be established or is lost while the software is operating. Similarly, Grundy '598 requires a Central Authority that contains a database that stores information about software products and the users who are authorized to operate the software products in full-function mode. (See Col 4, ll. 42-49, for example). As such, neither reference taken alone or in combination discloses or suggests having an authorized representative entity installed on or in a user device that is triggered by an identifier associated with the software to perform authentication as claimed by Applicant.

Summary

Applicant's method for securing software using an identifier to indicate that protection from unauthorized access using an authorized representative entity installed on or in a user device as disclosed and claimed in independent claims 1, 23, 46, and 75 is patentably distinguishable over the prior art references to Ananda (US 5,495,411) and Grundy (US5,291,598). In addition, numerous features found in various dependent claims are neither disclosed nor suggested by the proposed combination.

Applicant has made a genuine effort to respond to the Examiner's rejections and advance prosecution of this application. Applicant believes that all substantive and formal requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

No additional fee other than the extension of time fee of is believed to be due as a result of the filing of this paper. However, please charge any required fees or apply credits to Deposit Account 50-2841.

Respectfully submitted:



David S. Bir
Registration No. 38,383

November 16, 2007

Bir Law, PLC
13092 Glasgow Ct.
Plymouth, MI 48170-5241
(734) 927-4531